



MICHAEL A. CARDOZO  
Corporation Counsel

THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
100 CHURCH STREET  
NEW YORK, NY 10007

CHAMBERS OF  
DEBORAH A. BATTS  
U.S.D.J.

BRIAN FRANCOLLA  
Assistant Corporation Counsel  
Tel.: (212) 788-0988  
Fax: (212) 788-9776

May 19, 2008

**BY HAND DELIVERY**

Honorable Deborah A. Batts  
United States District Judge  
United States District Court  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street, Room 2510  
New York, New York 10007-1312

MEMO ENDORSED

Re: Mervin Moore v. Correction Officer M. Mason, et al.  
08 CV 2820 (DAB) (GWG)

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department assigned to the defense of the above-referenced matter. From a review of the docket sheet, it appears that Correction Officer M. Mason and Warden Shaw were recently served with a copy of the summons and complaint in this action. I write to respectfully request that this Office be granted sixty days from today, until July 21, 2008, in which to conduct an investigation into the allegations in the complaint, investigate service, resolve representation issues, and if appropriate, to answer or otherwise respond to the complaint on behalf of Correction Officer M. Mason and Warden Shaw. I write directly to the Court because plaintiff is incarcerated and proceeding *pro se* in this matter. This is the first request for an enlargement of time.

GRANTED  
/DAB/

In the complaint, plaintiff claims that he was assaulted while incarcerated at Rikers Island on September 9, 2007, and sustained physical and/or psychological injuries. Before we can adequately respond to the complaint, we will need to conduct an investigation into the facts of the case. Given the allegations in this case concerning plaintiff's alleged physical and/or psychological injuries, an enlargement of time will allow this Office to forward to plaintiff for execution an authorization for the release of plaintiff's medical records for any treatment received in connection with the alleged incident. Accordingly, defense counsel requires this enlargement so that this Office may obtain the underlying documentation, properly investigate the allegations of the complaint and fulfill our obligation under Rule 11 of the Federal Rules of Civil Procedure.

SO ORDERED

*Deborah A. Batts*

DEBORAH A. BATTS  
UNITED STATES DISTRICT JUDGE

MEMO ENDORSED